



Planning Department

TOWN OF ACTON
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MEMORANDUM

To: Planning Board

Date: January 6, 2006

From: Roland Bartl, AICP, Town Planner

Subject: Zoning Articles for 2006 Annual Town Meeting in April

Attached are the zoning articles more or less as submitted by the warrant close date end of December. Tentatively, the public hearing would be on February 14. As you might guess from looking them over, some of them didn't originate on my desk although I drafted them all.

ZA – Haartz approached me with this one. Apparently, when the two former State-owned parcels behind Haartz and by the side of Route came on the auction block last summer, the Town contemplated bidding for them. In the end Haartz was the successful bidder and there was an understanding with Haartz and the Town about this kind of article at some time in the future.

ZB – is an EDC proposal. I expect the EDC to represent it at the public hearing.

ZC – arises from the need to reduce investment costs at Town recreation areas. In particular, the proposed School Street ball field project (a pending CPA funding proposal) would be on land used under license from the Commonwealth for a ten-year period with a possible 10-year further extension. The license could be revoked any time in the unforeseen event that the State needs use of the land before the 10 years are up. Under such tentative use/ownership arrangements it makes little sense to install permanent paved parking.

ZD – is a proposal by the Environmental Standards for Fill Advisory Committee. I expect this committee will represent it at the public hearing.

ZE – This is the annual housekeeping article in which we try to fix problems, correct errors, and add clarifications of intent in the zoning bylaw so long as the changes do not drastically affect land use policy implementation or land owners' rights and expectations. Items B, C, and D in the article all relate to the same experience last year, when a PCRC proposed on land that straddled the Acton – Littleton town line, which raised many knotty problems and if approved could have left Acton short on the benefits of PCRC. PCRC is section 9 in the zoning bylaw. Open Space and Senior Residence Developments could have the same issues on town lines.

ARTICLE ZA
(Two-thirds vote)

**AMEND ZONING BYLAW
REZONE LAND OFF CHARTER ROAD TO GENERAL INDUSTRIAL**

To see if the Town will vote to amend the Zoning Map by rezoning to General Industrial (GI) the following parcels of land identified by their 2004 Town Atlas Map and Parcel numbers *[Present zoning and street addresses are not part of the article but are shown for reference purposes only]*:

map	parcel	present zoning	street address
E-3	85	R-2	rear of 87 Hayward Rd
E-3	93	R-2	rear of 87 Hayward Rd

, or take any other action relative thereto.

SUMMARY

In the summer of 2005, the Haartz Corporation acquired the two subject parcels from the Commonwealth of Massachusetts at an auction. Together they comprise +/-7.65 acres. The change would rezone the parcels from Residence 2 (R-2) to General Industrial (GI). Haartz owns abutting property with a manufacturing plant on it. The change of zoning to General Industrial would provide Haartz with future expansion capability. Haartz intends to place the land under a conservation restriction except for +/-2 acres immediately adjacent to other property they own. The conservation restriction would prevent any future development on the remaining land.

If approved this action would repeat an arrangement from 1996. Then, Town Meeting rezoned other land of Haartz from R-2 to GI. Haartz then placed that land in a conservation restriction; yet, the rezoning allowed Haartz to expand its manufacturing facility.

If this article is approved, the existing conservation restriction would be extended to apply to all but two acres, more or less, of the subject parcels. Simultaneously, it would provide Haartz with room to grow at this location in the future ensuring that this longstanding Acton manufacturer can remain here for years to come and continue to contribute to Acton's business and industrial tax base.

Direct inquiries to: Roland Bartl, AICP, Town Planner
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Selectman assigned:

Board of Selectmen: (recommendation)
Finance Committee: (recommendation)
Planning Board: (recommendation)

ARTICLE ZB
(Two-thirds vote)

AMEND ZONING BYLAW
PRODUCTIVE REUSE OF UNDERUTILIZED INDUSTRIAL PROPERTY

To see if the Town will vote to amend the Zoning Bylaw, Section 10.4 by inserting a new section 10.4.3.12 as follows:

- 10.4.3.12 On LOTS in the Small Manufacturing (SM) District the Board of Selectmen, when granting a new or amended Site Plan Special Permit, may authorize a FLOOR AREA RATIO and a height above the limits set forth for BUILDINGS and STRUCTURES in the Table of Standard Dimensional Regulations, subject to the following conditions and limitations:
- 10.4.3.12.1 The LOT must have existing BUILDINGS of any number, size, or Floor Area Ratio on it, and may include associated STRUCTURES or other improvements.
 - 10.4.3.12.2 All existing BUILDINGS, STRUCTURES, or other improvements on the LOT shall have been legally erected and installed, but may be nonconforming to the current applicable Zoning Bylaw.
 - 10.4.3.12.3 The increase in the FLOOR AREA RATIO and height must serve an existing or proposed Industrial USE that is allowed by right or by special permit in the SM district and in the applicable Groundwater Protection District Zone that overlays the site.
 - 10.4.3.12.4 The increase in the FLOOR AREA RATIO and height shall not result in any increase of previously existing total impervious cover, and shall not result in any decrease of OPEN SPACE area on the LOT.
 - 10.4.3.12.5 Any height increases under this section shall not result in a height of BUILDINGS and STRUCTURES greater than 40 feet, plus allowances for appurtenant roof STRUCTURES per section 5.3.5.1 of this Bylaw.
 - 10.4.3.12.6 There shall remain adequate space for vehicular parking on the site that meets the applicable requirements of section 6 of this Zoning Bylaw for the USE or USES on the LOT.
 - 10.4.3.12.7 Any vacant BUILDINGS or STRUCTURES remaining after approval under this section shall be removed, or properly secured and maintained to prevent structural decay, unauthorized entry, or any other unsafe conditions.

And,

by inserting in Section 5, Table of Standard Dimensional Regulations, line "SM", column "Maximum Floor Area Ratio", the following new footnote (18):

- (18) The maximum FLOOR AREA RATIO may be increased further on vacated or underutilized industrial LOTS subject to procedures and conditions set forth in section 10.4.3.12.

, or take any other action relative thereto.

SUMMARY

This article would allow the more productive use or reuse of vacated or underutilized industrial properties in the Small Manufacturing (SM) District. The SM District is located in North Acton primarily along the west side of Main Street between Ledge Rock Way and the Carlisle and

Westford town lines. The need for this zoning amendment became apparent to the Economic Development Committee when reviewing the former Somerville Lumber store at 976 Main Street, but it may apply to other industrial properties in the SM District.

The 976 Main Street site has been developed for a large retail lumber yard in the late 1980's with extensive paved outdoor lumber storage areas and approximately 330 vehicular parking spaces. Somerville Lumber closed its doors a few years later and the facility sat vacant for several years. The current owner, Methods Machine Tools, is a custom adapter of industrial machinery and uses only the interior of the building. The outdoor lumber storage area lies fallow most of the time. The few employees at the site use only about ten or so parking spaces. Methods Machine Tools is in need of expanding the building to install an indoor crane to improve operational efficiency for loading, unloading, or moving of machinery. It could expand the building onto the existing pavement with zero environmental or other impacts were it not for the fact that the building already exceeds current floor area limits for the SM District.

This zoning amendment would provide a remedy so that developed sites and facilities once built for many more customers and employees, may be more effectively reutilized by less intensive industrial uses, which need much less vehicular parking but often larger buildings. Building additions are typically associated with higher assessed property values and increased tax revenues. Specifically, this article would allow, as part of a site plan special permit, the increase of building floor area and height above the otherwise applicable limits in the SM District - maximum floor area ratio 0.20; maximum height 36 feet - under very specific conditions, including:

- The site must have existing buildings and improvements on it. It cannot be a vacant "Greenfield" property.
- The increase must serve an industrial use that is otherwise allowed on the property.
- The increase cannot result in any increase of currently existing total impervious coverage.
- Adequate vehicular parking must be maintained to serve the use.

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Selectman assigned:

Board of Selectmen: (Recommendation)

Finance Committee: (Recommendation)

Planning Board: (Recommendation)

ARTICLE ZC

AMEND ZONING BYLAW

(Two-thirds vote) **PARKING LOTS FOR CONSERVATION AND MUNICIPAL RECREATION**

To see if the Town will vote to amend the Zoning Bylaw, by deleting the first paragraph of section 6.7 – Parking Lot Design Requirements, and replacing it with the following new paragraph [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

“All parking lots shall be designed in compliance with the following design standards, except as provided in Section 6.9. In addition, the following standards shall not apply to parking lots serving a single to four-FAMILY residential USE, an Assisted Living Residence with 10 or less residents, a religious USE, a Conservation USE, and a Municipal outdoor recreation USE.”

[Note: The first paragraph of section 6.7 currently reads:

“All parking lots shall be designed in compliance with the following design standards, except as provided in Section 6.9. In addition, the following standards shall not apply to parking lots serving a single to four-FAMILY residential USE, an Assisted Living Residence with 10 or less residents, a religious USE, and to parking lots with up to 15 parking spaces serving a Conservation USE.”]

, or take any other action relative thereto.

SUMMARY

The subject paragraph of the zoning bylaw introduces the section on parking lot design standard and provides for certain exemptions from these standards. This article would broaden the exemptions to include all conservation land parking lots and all parking lots used in connection with outdoor recreation facilities operated by the Town of Acton. This change allows, for example, gravel surfaces or grass pavers instead of pavement, and waives specific landscaping requirements.

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Selectman assigned:

Board of Selectmen: (Recommendation)

Finance Committee: (Recommendation)

Planning Board: (Recommendation)

ARTICLE ZD
(Two-thirds vote)

**AMEND ZONING BYLAW
SPECIAL WASTES**

To see if the Town will vote to amend the Zoning Bylaw, section 4.3 – Groundwater Protection District, as follows [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

A. Insert a new definition subsection 4.3.3.12 as follows:

4.3.3.12 **SPECIAL WASTE** –Waste that requires special management to ensure protection of public health, safety, or the environment based upon its physical, biological, or chemical properties. Special wastes include but are not limited to: asbestos waste; infectious wastes except as specified in 310 CMR 19.061(6)c4 as amended; and sludges, including but not limited to wastewater treatment sludges, drinking water treatment sludges, and industrial process wastewater treatment sludges (Ref: 310 CMR 19.061(2) and (3) as amended.).

And, renumber current subsections sections 4.3.3.12 through 4.3.3.15 to become subsections 4.3.3.13 through 4.3.3.16 respectively.

B. Delete subsection 4.3.6.1 and replace it with a new subsection 4.3.6.1 as follows:

4.3.6.1 **FILL** – FILL material shall not contain **HAZARDOUS MATERIAL OR WASTE, SPECIAL WASTES, or SOLID WASTE**. This Section shall also apply in **ZONE 4**.

[Note: Subsection 4.3.6.1 currently reads:

“FILL – FILL material shall not contain either HAZARDOUS MATERIAL OR WASTE, or SOLID WASTE. This Section shall also apply in ZONE 4.”]

, or take any other action relative thereto.

SUMMARY

This article follows a recommendation of the Environmental Standards for Fill Advisory Committee in its Draft Report dated December 12, 2005. See companion articles in this warrant with proposed changes to the Acton Hazardous Material Control Bylaw.

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Selectman assigned:

Board of Selectmen: (Recommendation)

Finance Committee: (Recommendation)

Planning Board: (Recommendation)

ARTICLE ZE
(Two-thirds vote)

**AMEND ZONING BYLAW
HOUSEKEEPING**

To see if the Town will vote to amend the Zoning Bylaw as follows [*Notes in italic print are not part of the Article but are intended for explanation only.*]:

A. In section 3.8.3.6 relative to Amateur Radio Towers, amend subsection i) by replacing the first cross-reference “(section 3.8.3.6.a)” with a corrected cross-reference to read “(section 3.8.3.6 – first paragraph)”.

B. In section 4.2, Open Space Development:

1. Replace the first paragraph of subsection 4.2.3.1 with the following new paragraph:

“Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area within the Town of Acton of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10 and R-10/8 Districts.”

[Note: The first sentence of subsection 4.2.3.1 currently reads:

“Minimum Tract Size – Open Space Developments shall be located upon a TRACT OF LAND which has an area of at least 6 acres in the R-2 District, or 8 acres in the R-4, R-8, R-8/4, R-10 and R-10/8 Districts.”]

2. In subsection 4.2.3.4, delete the first sentence and replace it with the following new sentence:

” Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10 and R-10/8 Districts of the total area of the TRACT OF LAND within Acton to be developed as an Open Space Development shall be dedicated as Common Land within Acton.”

[Note: The first sentence of subsection 4.2.3.4 currently reads:

” Dimensional Requirements for the Common Land - Not less than 30% in the R-2 District, 40% in the R-4 and R-8/4 Districts, and 50% in the R-8, R-10 and R-10/8 Districts of the total area of the TRACT OF LAND to be developed as an Open Space Development shall be dedicated as Common Land.”]

C. In section 9, Planned Conservation Residential Community:

1. Add at the end of the first sentence of subsection 9.6.2.1 the following phrase:

“within the Town of Acton”

[Note: The first sentence of subsection 9.6.2.1 currently reads:

“PCRC Site Area – The TRACT OF LAND for a PCRC must contain a minimum of 8 acres.”]

2. In subsection 9.6.3.1, delete the first sentence and replace it with the following new sentence:

”In a PCRC, at least sixty percent (60%) of the TRACT OF LAND within Acton shall be set aside as Common Land within Acton for the use of the PCRC residents or the general

public.”

[Note: The first sentence of subsection 9.6.3.1 currently reads:

”In a PCRC, at least sixty percent (60%) of the land shall be set aside as Common Land for the use of the PCRC residents or the general public.”]

D. In section 9B, Senior Residence:

1. In subsection 9B.5.1, add after the words “8 acres” the following phrase:

“within the Town of Acton”

[Note: Subsection 9B.5.1 currently reads:

9B.5.1 MINIMUM TRACT OF LAND area: 8 acres. For the purpose of this section, the Planning Board may consider LOTS on directly opposite sides of a STREET as a single TRACT OF LAND.]

2. In subsection 9B.9.1, delete the first sentence and replace it with the following new sentence:

”In a SENIOR Residence development, at least fifty percent (50%) of the TRACT OF LAND in Acton shall be set aside as Common Land in Acton for the use of the SENIOR residents or the general public.”

[Note: The first sentence of subsection 9B.9.1 currently reads:

” In a SENIOR Residence development, at least fifty percent (50%) of the land shall be set aside as Common Land for the use of the SENIOR residents or the general public.”]

, or take any other action relative thereto.

SUMMARY

Part A corrects an error that was overlooked when Town Meeting adopted the section on Amateur Radio towers last year. Parts B, C, and D clarify the current intent of the Zoning Bylaw that minimum tract of land and common land requirements for Open Space Developments, Planned Conservation Residential Communities, and Senior Residences must be met within the boundaries of the Town of Acton. Recent experience with a preliminary project before the Planning Board suggested that this clarification would be prudent and helpful.

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Selectman assigned:

Board of Selectmen: (Recommendation)

Finance Committee: (Recommendation)

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